

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 29, 1998**

**DIVISION ONE**

B104612     Rucker  
              v.  
              Kiewit Pacific Company, et al.

Filed order denying petition for rehearing.

B115963     People                                 (Not for Publication)  
              v.  
              Campos

The judgment is affirmed.

Spencer, P.J.

We concur:   Ortega, J.  
                  Masterson, J.

B116248     People                                 (Not for Publication)  
              v.  
              Rhodes

The judgment is affirmed.

Spencer, P.J.

We concur:   Masterson, J.  
                  Dunn, J. (Assigned)

July 29, 1998-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Dunn, J. (Assigned)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Masterson, J.

B115782 People (Not for Publication)  
v.  
Williams

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

July 29, 1998-Continued

## DIVISION ONE (Continued)

B118523 People (Not for Publication)

V.

Montgomery

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.

Masterson, J.

B114501      People      (Not for Publication)

V.

Summers

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.

Masterson, J.

B121984 Lisa D. (Not for Publication)

V.

Superior Court, Los Angeles County

(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

July 29, 1998-Continued

DIVISION ONE (Continued)

B104741      MCI Telecommunications Corporation      (Not for Publication)

v.  
Galen, as Executor etc.

The judgment is affirmed.

Spencer, P.J.

We concur:   Ortega, J.  
                  Dunn, J. (Assigned)

B098943      Century City Medical Plaza      (Not for Publication)

v  
Physicians Clinical Laboratory, Inc.

The judgment and order awarding attorney's fees are affirmed. The matter is remanded for determination of the attorney's fees defendant incurred in handling the appeal.

Spencer, P.J.

We concur:   Masterson, J.  
                  Dunn, J. (Assigned)

DIVISION TWO

B106602      Johnston      (Not for Publication)

v.  
So California Permanente Medical Group

The judgment is affirmed.

Zebrowski, J.

We concur:   Boren, P.J.  
                  Fukuto, J.

DIVISION TWO (Continued)

B102929      Garth      (Not for Publication)

v.  
Segura, et al.

The judgment is affirmed.

Nott, J.

We concur:    Boren, P.J.  
                     Fukuto, J.

B112805      Smith      (Not for Publication)

v.  
Fagel

The judgment is affirmed. Respondent is awarded costs on appeal.

Nott, J.

We concur:    Boren, P.J.  
                     Fukuto, J.

B109210      People      (Not for Publication)

v.  
King

The Court:

The judgment is modified to provide that the stay of the two-year enhancement under Penal Code section 12022.1 in People v. King (Super.Ct. L.A. County, 1996, No. YA029798) is vacated. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to send a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Nott, J., Zebrowski, J.

July 29, 1998-Continued

## DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B107976 People (Not for Publication)  
v.  
Michael P.

The Court:

The orders under review are affirmed.

Boren, P.J., Fukuto, J., Nott, J.

DIVISION THREE

B115722      Olga H. Garau  
v.  
James K. Hahn

Filed order denying petition for rehearing.

B106342      Uros Jelcic  
v.  
State Compensation Insurance Fund

Filed order denying petition for rehearing.

DIVISION FOUR

[illegible]

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B108690 People (Not for Publication)  
v.  
Green

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

DIVISION FOUR (Continued)

B115700      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Nicole D.

The challenged orders of July 1, 1997, as to Zachary are affirmed in full.  
The finding of jurisdiction as to Cassidy under section 300, subdivision (c),  
is reversed. All other orders as to Cassidy are affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B112601      Datagate      (Not for Publication)  
v.  
Cash Express Inc.

The summary adjudication in favor of Jack Ford on the cause of action for  
fraud is affirmed. The summary adjudication in favor of Ford on the cause  
of action for conversion is reversed. The award of damages is reversed.  
Each side is to bear its costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.  
Cooper (F.M.), J. (Assigned)

B114339      Stasz      (Not for Publication)  
v.  
Gross, Gross & Simon, P.C.

The judgment is affirmed. Respondents are to have their costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.  
Cooper (F.M.), J. (Assigned)



## DIVISION FOUR (Continued)

B101455 Furla (Certified for Partial Publication)

V.  
Jon Douglas Company

The judgment is reversed. The trial court is directed to enter orders on summary adjudication consistent with the views expressed herein and to conduct such further proceedings as are necessary. Costs on appeal are awarded to appellant.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B112896 Crookall (Certified for Publication)

V.  
Davis, Punelli, Keathley & Willard

The judgment is reversed. Appellant is to have his costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B115893 People

V.  
Gonzalez

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

B118054      Los Angeles County, D.C.S.      (Not for Publication)

v.

Lori S.

Sabrina S., Savannah S., John P. and Jennifer P., minors

The appeal is dismissed.

Lillie, P.J.

We concur:    Woods, J.

Neal, J.

B114161      City of Los Angeles      (Certified for Publication)

v.

Amwest Surety Insurance Company

The judgment of the trial court is affirmed. Respondent shall recover its costs on appeal.

Neal, J.

We concur:    Lillie, P.J.

Woods, J.

B113570      Fabian Valdez      (Not for Publication)

v.

Los Angeles Unified School District

The appeal is dismissed.

Neal, J.

We concur:    Johnson, Acting P.J.

Woods, J.

DIVISION SEVEN (Continued)

B096425      Joseph M. Taritero      (Not for Publication)

v.  
Arthur P. Jartel, Jr., et al.

The judgment is reversed, and the case remanded with directions to the trial court to enter judgment in favor of appellants. Appellants shall recover their costs on appeal.

Neal, J.

I concur:      Lillie, P.J.  
I dissent:      Johnson, J. (Opinion)

B116877      People      (Not for Publication)

v.  
Lambert

The order under review is affirmed.

Woods, J.

We concur:      Lillie, P.J.  
                     Neal, J.

B119418      M/A Com-Phi; Employer's Ins. Co.      (Certified for Publication)

v.  
Workers' Compensation Appeals Board  
Sevadjan, Respondent

The decision of the WCAB is annulled and the matter is remanded for further proceedings consistent with this opinion.

Woods, J.

We concur:      Lillie, P.J.  
                     Johnson, J.

## DIVISION SEVEN (Continued)

B118555 Walls (Not for Publication)

V.

# Workers' Compensation Appeals Board

Wausau Mutual Ins., Respondent

The decision of the WCAB is annulled and the matter is remanded for further proceedings consistent with this decision, including determining whether any credit for overlap of compensation and damages is applicable.

Johnson, J.

We concur: Lillie, P.J.

Neal, J.

B111461 People (Not for Publication)

V.

Chakmakchian

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.

Woods, J.